

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COUNTRYWIDE HOME LOANS, INC.,

Plaintiff/Counterdefendant,

Case No. 09-11526

vs.

HON. GEORGE CARAM STEEH

BRADLEY S. AUSTIN,

Defendant/Counterclaimant/
Third-Party Plaintiff,

and

BRADLEY S. AUSTIN,

Third-Party Plaintiff,

vs.

DEANNA LYNN AUSTIN, et al.,

Third-Party Defendants.

_____ /

ORDER DENYING DEFENDANT'S MOTIONS TO RECUSE [DOCS. #2, #22]

This matter has come before the Court on defendant/counterclaimant/third-party plaintiff Bradley Austin's motions to recuse pursuant to 28 U.S.C. §§ 144 and 455(a). In his motions, Austin accuses this Court of being "pervasively biased" against him, both as a pro se litigant and as a person subject to loan foreclosure. Austin's claim of bias is based on the Court's rulings in other cases between the same parties, as the Court has not entered any orders in the present case until today. Austin requests that "this entire litigation should be retroactively referred to another U.S. District Judge for review and reconsideration pursuant to 28 U.S.C. § 144 prior to any serious consideration by the

6th Circuit Court of Appeals.”

Mr. Austin’s primary objection concerns the Court’s use of the doctrine of res judicata in case 08-13697 and 07-15127. Austin contends that the opinions relied on by the Court to support the application of res judicata were not “final” judgments. Austin has taken appeals in both of those cases, therefore taking advantage of his legal right to seek review of this Court’s rulings. Austin’s contention that the Court incorrectly applied the law in his previous cases does not provide support for his motion for recusal.

Mr. Austin further submits that this Court is prejudice and bias against him based on his status as a pro se litigant and a victim of predatory lending practices. Austin made this same argument in his motion for recusal in case 08-13697, which the Court considered and denied. Austin’s characterization of this Court’s rulings in his cases as evidence of bias and prejudice does not make it so. The Court finds that a reasonable, objective person knowing all of the circumstances could not question the impartiality of this judge.

IT IS HEREBY ORDERED that defendant/counterclaimant/third-party plaintiff Bradley Austin’s motions to recuse are DENIED.

IT IS HEREBY FURTHER ORDERED that if Bradley Austin files any further frivolous, repetitive pleadings with the Court, the Court will consider imposing appropriate sanctions.

Dated: June 29, 2009

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
June 29, 2009, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk